

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE DISTRICT OF UTAH (SALT LAKE CITY)

UNITED STATES OF AMERICA,

2015 AUG 24 P 1:07

Plaintiff,

DISTRICT OF UTAH

vs.

Case # 2:10-CR-00195-TS

JOHANNES HERBEN,

Defendant.

MOTION FOR REDUCTION OF SENTENCE PURSUANT TO

18 U.S.C. 3582(c)

COMES NOW, PRO SE DEFENDANT JOHANNES HERBEN, Reg. #16205-081, AND HEREBY moves this Honorable Court to reduce his sentence pursuant to 18 U.S.C. 3582(c) based on Amendment 782 to the United States Sentencing Guidelines that takes retroactive affect on November 1, 2015.

Defendant was convicted by a Guilty Plea in the above-captioned criminal proceeding on 7/6/2010 of: "POSSESSION OF METHAMPHETAMINE W/INTENT TO DISTRIBUTE," 21 U.S.C. § 841(a)(1); "CARRYING A FIREARM IN/RE DRUG TRAFFICKING CRIME," 18 U.S.C. § 924(c)(1).

Based on 34 Grams of Methamphetamine, and the above-captioned Statute Violations, the Court established a Base Offense Level of 28 under the U.S.S.G. 2D1.1(c).

After considering applicable Chapter Three Adjustments to that Base Offense Level (ie: Acceptance of Responsibility, Role in the Offense, etc.) the Sentencing Court arrived at a Total Adjusted Offense Level of 25.

Defendant's prior convictions rendered a Criminal History Category IV, which with the Total Adjusted Offense Level of 25, yielded an advisory Guideline Range of 110 to 197 Months.

On 7/6/2010, Defendant was sentenced to 156 Months in Federal Prison, to be followed by 4-5 Years of Supervised Release.

In accordance with Amendment 782 to the United States Sentencing Guidelines, the Base Offense Level established for the Quantity of Controlled Substance for which the Defendant was held accountable is decreased by 2 Levels under the Drug Quantity Table at U.S.S.G. 2D1.1(c), resulting in a new amended Total Adjusted Offense Level of 23, which along with the Criminal History Category IV -- yields a new advisory guideline Range of 92 to 115 Months.

WHEREFORE, HAVING SHOWN GOOD CAUSE, DEFENDANT JOHANNES HERBEN, Reg. #16205-081, hereby requests this Honorable Court reduce his sentence to 92 Months (which constitutes a sentence in approximately the same position within the new range as was imposed in the original guideline range), and any further reduction in sentence that this Court may deem just and equitable.

RESPECTFULLY SUBMITTED THIS 3rd Day of Aug. 2015

JOHANNES HERBEN, Reg. #16205-081

A handwritten signature in black ink, appearing to read "JOHANNES HERBEN".